

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KALVIN N. CRAVEN,
Petitioner,

v.

JIM ROBERTSON,
Respondent.

Case No. [20-cv-01933-SI](#)

**ORDER *SUA SPONTE* STAYING AND
ABEYING CASE AND
ADMINISTRATIVELY CLOSING
CASE**

Petitioner has informed the Court that on April 27, 2021, he filed a new state court habeas petition seeking to exhaust a number of new claims. Dkt. No. 34. As such, the Court finds it appropriate to *sua sponte* stay and abey this petition. *See Rhines v. Weber*, 544 U.S. 269, 277-78 (2005).

Accordingly, this action is STAYED and the clerk shall ADMINISTRATIVELY CLOSE the action. Nothing further will take place in this action until petitioner exhausts the unexhausted claims and, within thirty days of doing so, moves to reopen this action, lift the Court's stay and proceed with consideration of his habeas petition. Petitioner must promptly return to federal court after his state court proceedings have concluded. If petitioner does not return within thirty days of exhausting the unexhausted claims, dismissal is possible. *See Kelly v. Small*, 315 F.3d 1063, 1071 (9th Cir.), *cert. denied*, 538 U.S. 1042 (2003). The Court makes no finding at this time as to the timeliness of the currently unexhausted claims.

IT IS SO ORDERED.

Dated: May 6, 2021



SUSAN ILLSTON
United States District Judge